



## *Vision Ventures of Carolina*



August 22, 2016

Carolyn Minnich  
N.C. Division of Waste Management  
Brownfields Program  
401 Oberlin Road, Suite 150  
Raleigh, NC 27605

Re: Former Charlotte Army Missile Plant, 1830 Statesville Avenue, Charlotte,  
Mecklenburg County, Brownfields Project # 11044-07-60

Dear Ms. Minnich:

MV Hercules, LLC is the Prospective Developer pursuant to the Brownfields Agreement in the referenced Brownfields Project. Section 14 (k) of the Brownfields Agreement provides that the owner of any part of the Brownfields Property as of January 1st of that year shall submit a notarized Land Use Restrictions Update ("LURU") to DEQ, and to the chief public health and environmental officials of Mecklenburg County, stating the name, mailing address, telephone and facsimile numbers, and contact person's e-mail address of the owner submitting the LURU if said owner acquired any part of the Brownfields Property during the previous calendar year, and the transferee's name, mailing address, telephone and facsimile numbers, and contact person's e-mail address, if said owner transferred any part of the Brownfields Property during the previous calendar year. The appropriate parties will file such LURU in January 2017, but we write to notify that effective as of August 19, 2016, NewCAMP Landowner, LP, a Delaware limited partnership, with an address of c/o ATCO Properties & Management, LLC, 555 Fifth Avenue, New York, NY 10017, Attn: Damon Hemmerdiner and Neil Adamson, Phone: 718-326-3560, Email: [damon@acto555.com](mailto:damon@acto555.com) and [neil@atco555.com](mailto:neil@atco555.com), acquired the property described in that certain Special Warranty Deed recorded at Book31093, Page 801 of the Mecklenburg County Registry (enclosed) (the "Acquired Property") from MV Hercules, LLC, a Delaware limited liability company, with an address of P.O. Box 36938, Charlotte, North Carolina 28236. NewCAMP Landowner LP, as of August 19, 2016 is eligible for and entitled to the protection against liability set forth in Section IX of the Brownfields Agreement with respect to the Acquired Property.

Sincerely,

Douglas R. Stephan, II  
Vice President, MV Hercules, LLC

Vision Ventures of Carolina, LLC

P.O. Box 36938  
Charlotte, NC 28236-6938

704-338-9661  
704-374-9002 fax  
[www.visionventures.net](http://www.visionventures.net)

For Registration J. David Granberry  
 Register of Deeds  
 Mecklenburg County, NC  
 Electronically Recorded  
 2016 Aug 19 02:19 PM RE Excise Tax: \$ 15210.00  
 Book: 31093 Page: 801 Fee: \$ 26.00  
 Instrument Number: 2016109851

*J. David Granberry*

### SPECIAL WARRANTY DEED

**Excise Tax: \$15,210.00**

**Tax Parcel Nos.: 079-03-101, 079-03-106 and  
079-03-104**

This instrument was prepared by and after recording return to: Christopher D. Thompson, Esq.,  
Moore & Van Allen, PLLC, 100 N. Tryon Street, Suite 4700, Charlotte, North Carolina 28202

Brief description for the Index: TR-1 M-46-281, TR-2 M46-281 and 901 Woodward Avenue

*Return to:*

First American Title Insurance Company, 201 S. College St., Suite 1440, Charlotte, NC 28244

796834

### NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made as of this 19<sup>th</sup> day of August, 2016, by and between

| <u>GRANTOR</u>  | <u>GRANTEE</u>  |
|---|---|
| <b>MV HERCULES LLC,</b><br>a Delaware limited liability company | <b>NEWCAMP LANDOWNER, LP,</b> a Delaware<br>limited partnership |
| <u>Address:</u><br>PO Box 36938<br>Charlotte, NC 28236          | <u>Address:</u><br>555 Fifth Avenue<br>New York, New York 10176 |

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Charlotte, Mecklenburg County, North Carolina and more particularly described as follows (the "Property"):

submitted electronically by "Alexander Ricks PLLC"  
 in compliance with North Carolina statutes governing recordable documents  
 and the terms of the submitter agreement with the Mecklenburg County Register of Deeds.

CHAR2\1822152v5

See Exhibit "A" attached hereto and made a part hereof.

The Property hereinabove described was acquired by Grantor by instrument recorded in Book 23004, at Page 118, Book 26653, at Page 397 and Book 26445, at Page 988 in the Mecklenburg County Public Registry.

All or a portion of the Property herein conveyed does not include the primary residence of Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions listed on Exhibit "B" attached hereto and made a part hereof.

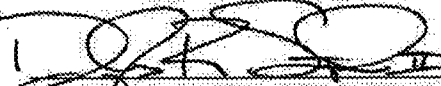
Further, a portion of the Property which is the subject of this instrument, such portion being known as Tax Parcel 079-03-101, is subject to the Brownfields Agreement attached as Exhibit A to the Notice of Brownfields Property recorded in Book 26034, at Page 614 of the Mecklenburg County Public Registry.

[signature page follows]

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed as of the day and year first above written.

**GRANTOR:**

**MV HERCULES LLC,**  
a Delaware limited liability company

By:   
Douglas R. Stephan, II, Vice President

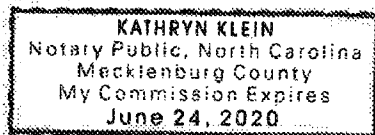
STATE OF NORTH CAROLINA )


COUNTY OF MECKLENBURG )

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Douglas R. Stephan, II, Vice President of MV Hercules LLC, a Delaware limited liability company.

Date: August 16, 2016

[Notarial Seal/Stamp]



  
Notary Public

Print Name: Kathryn Klein

My Commission Expires: 06/24/20

## Exhibit "A"

### Legal Description

A parcel or tract of land lying and being in the City of Charlotte, Mecklenburg County, North Carolina, more particularly described as follows:

COMMENCING at an iron pin found on the southern right of way margin of Woodward Avenue (50' public R/W) at the northwest corner of Jerry L. Dellinger property as described in deed recorded in Book 5332 Page 801, Mecklenburg County Register of Deeds, and runs thence along the old southern right of way margin of Woodward Avenue, South 88 degrees 14 minutes 55 seconds West 154.98 feet to an iron pin found and South 88 degrees 14 minutes 57 seconds West 30.10 feet to an iron pin set having North Carolina state plane coordinates North = 550,790.74', East = 1,453,343.09', said iron pin set being the TRUE POINT AND PLACE OF BEGINNING; thence from said BEGINNING point, leaving Woodward Avenue and running South 01 degrees 46 minutes 14 seconds East, crossing an iron pin found at 4.99 feet, the northwest corner of Real Rock Holdings, LLC property as described in deed recorded in Book 20858 Page 81, a total distance of 125.94 feet to an iron pin found; thence continuing with Real Rock Holdings, LLC the following four (4) courses and distances: along the arc of a non-tangent curve to the right having a radius of 237.63 feet, an arc length of 52.13 feet (chord South 57 degrees 34 minutes 59 seconds East 52.03 feet) to an iron pin found; (2) along the arc of a non-tangent curve to the right having a radius of 139.50 feet, an arc length of 100.21 feet (chord South 30 degrees 33 minutes 17 seconds East 98.07 feet) to an iron pin found; (3) South 16 degrees 53 minutes 00 seconds East 149.09 feet to an iron pin found, and (4) North 55 degrees 42 minutes 58 seconds East 186.91 feet to an iron pin found, common corner with Jerry L. Dellinger property as described in deed recorded in Book 5332 Page 801; thence with Dellinger the following four (4) courses and distances: (1) North 50 degrees 43 minutes 13 seconds East 11.34 feet to an iron pin set; (2) North 48 degrees 17 minutes 44 seconds East 48.52 feet to an iron pin found; (3) North 43 degrees 16 minutes 26 seconds East 49.65 feet to an iron pin set, and (4) North 40 degrees 52 minutes 40 seconds East 51.31 feet to an iron pin set on the southwesterly right of way margin of Woodward Avenue (50' public R/W); thence along said southwesterly right of way, South 27 degrees 43 minutes 34 seconds East 87.20 feet to an iron pin found, common corner of Eckerd of North Carolina, Inc. property as described in deed recorded in Book 3982 Page 233; thence leaving Woodward Avenue and with Eckerd of North Carolina, Inc. property the following twenty-four (24) courses and distances: (1) South 34 degrees 04 minutes 00 seconds West 235.93 feet to an iron pin set; (2) along the arc of a non-tangent curve to the right having a radius of 700.00 feet, an arc length of 402.68 feet (chord South 47 degrees 11 minutes 59 seconds West 397.15 feet) to an iron pin set; (3) South 66 degrees 43 minutes 03 seconds West 37.56 feet to a P.K. nail set; (4) North 85 degrees 45 minutes 57 seconds West 68.53 feet to an iron pin found; (5) North 86 degrees 20 minutes 31 seconds West 190.86 feet to an iron pin found; (6) North 07 degrees 12 minutes 59 seconds East 15.62 feet to an iron pin found; (7) North 82 degrees 35 minutes 56 seconds West 103.88 feet to an iron pin set; (8) North 59 degrees 51 minutes 46 seconds West 30.94 feet to an iron pin found; (9) North 82 degrees 08 minutes 24 seconds West 126.16 feet to an iron pin found; (10) South 60 degrees 27 minutes 27 seconds West 21.31 feet to an iron pin found; (11) North 82 degrees 37 minutes 21 seconds West 149.00 feet to an iron pin set; (12) North 08 degrees 46 minutes 19 seconds East 8.66 feet to an iron pin set; (13) North 82 degrees 54 minutes 44 seconds West 18.47 feet to an iron pin set; (14) North 15 degrees 00 minutes 38 seconds East 5.27 feet to an iron pin found; (15) North 82 degrees 08 minutes 53 seconds West 239.23 feet to an iron pin found; (16) North 62 degrees 56 minutes 30 seconds West 34.33 feet to an iron pin found; (17) North 83 degrees 04 minutes 41 seconds West 27.73 feet to an iron pin set; (18) along the arc of a curve to the left having a radius of 13.00 feet, an arc length of 10.17 feet (chord South 67 degrees 05 minutes 00 seconds West 9.91 feet) to an iron pin found; (19) South 44 degrees 53 minutes 04 seconds West 9.51 feet to an iron pin found; (20) along the arc of a curve to the right having a radius of 14.25 feet, an arc length of 10.28 feet (chord South 69 degrees 47 minutes 33 seconds West 10.05 feet) to an iron pin found; (21) North 85 degrees 23 minutes 53 seconds West 10.15 feet to an iron pin found; (22) South 14 degrees 20 minutes 35 seconds West 43.43 feet to an iron pin found; (23) South 24 degrees 38 minutes 43 seconds West 32.67 feet to an iron pin found, and (24) North 82 degrees 51 minutes 18 seconds West 354.95 feet to a P.K. nail set in the eastern right of way margin of Statesville Avenue (apparent 60' public R/W); thence with said eastern right of way margin the following three (3) courses and distances: (1) North 06 degrees 48 minutes 14 seconds East 248.06 feet to an unmarked point; (2) along the arc of a curve to the left having a radius of 766.50 feet, an arc length of 109.05

feet (chord North 03 degrees 52 minutes 36 seconds East 108.96 feet) to an unmarked point, and (3) North 01 degrees 14 minutes 08 seconds West 190.60 feet to a P.K. nail set; thence along the arc of a non-tangent curve to the right having a radius of 40.00 feet, an arc length of 37.83 feet (chord North 61 degrees 08 minutes 54 seconds East 36.44 feet) to a crimped-pipe found on the southern right of way margin of Woodward Avenue; thence with said southern right of way margin, North 88 degrees 14 minutes 57 seconds East 1346.15 feet to the point and place of BEGINNING, containing 22.5636 acres, more or less, and being shown on that survey by A.G. Zoutewelle, PA entitled "ALTA/ACSM LAND TITLE SURVEY 1830 Statesville Avenue" dated September 04, 2007, last revised September 18, 2007

TOGETHER WITH THAT CERTAIN PARCEL:

LYING AND BEING in the City of Charlotte, Mecklenburg County, North Carolina, and more particularly described as follows:

BEING all of Tract 2 containing approximately 1.474 acres as shown on plat entitled "RECORD PLAT OF TRACT 2 HERCULES INDUSTRIAL PARK WOODWARD AVENUE" recorded in Map Book 46, Page 281, in the Mecklenburg County Register of Deeds Office.

TOGETHER WITH: All rights benefiting the above described tract of land and contained in that certain Access Easement Agreement recorded in Book 20858, Page 86 in the Mecklenburg County Register of Deeds Office.

AND TOGETHER WITH:

A parcel or tract of land lying and being in the City of Charlotte, Mecklenburg County, North Carolina, and more particularly described as follows:

BEGINNING at a point, the intersection of the easterly margin of Woodward Avenue and the northerly margin of the Southern Railway right-of-way on its lead track to Eighteen Twenty, Inc., running thence with said Southern Railway right-of-way four courses: (1) S 40-48-24 W 51.40 feet, (2) S 42-43-31 W 49.65 feet, (3) S 47-44-49 W 48.52 feet, and (4) S 52-47-07 W 11.05 feet; thence N 22-00-00 W 301.28 feet to a point in the southerly margin of Woodward Avenue, running thence with the southerly and westerly margin of Woodward Avenue three courses as follows: (1) N 87-39-00 E 39.83 feet, (2) with the arc of a circular curve to the right having a radius of 150 feet, a distance of 168.09 feet and, (3) S 28-09-00 E 98.86 feet to the point and place of BEGINNING.

## **Exhibit "B"**

### **Permitted Exceptions**

1. Taxes for the year 2016 and subsequent years, not yet due and payable.
2. Survey of Tax Parcel No. 079-03-101 dated July 28, 2016, last revised August 19, 2016, Survey of Tax Parcel No. 079-03-104 dated July 26, 2016, last revised August 19, 2016, and Survey of Tax Parcel No. 079-03-106 dated July 26, 2016, last revised August 19, 2016 by Andrew G. Zoutewelle, Professional Land Surveyor (NC PLS L-3098), reveal the following: (a) sanitary sewer lines with manholes; (b) overhead utility lines with power poles and light poles and fiber optic lines; (c) underground water lines with valves and meters; (d) storm drainage lines; (e) 5' to 20' building setbacks; (f) 71' railroad right of way of Norfolk Southern Railway; (g) designated no parking area on Tax Parcel No. 079-03-101; (h) proposed thoroughfare R.O.W. on Tax Parcel No. 079-03-101; (i) possible detention, underground oil tank and nitrogen tank on Tax Parcel No. 079-03-101; (j) neighbor's downspouts and concrete swale drain onto Tax Parcel No. 079-03-101; (k) fence encroaches RR right of way on Tax Parcel No. 079-03-101; (l) wall encroaches east boundary of Tax Parcel No. 079-03-101 at the bridge; (m) 5' City ROW along Woodward Avenue on Tax Parcel No. 079-03-106; and (n) curb and gutter extend into ROW of Woodward Avenue on Tax Parcel No. 079-03-101.
3. Easement Deed by Court Order in Settlement of Landowner Action to Sprint Communications Company L.P., Qwest Communications Company, LLC, and Level 3 Communications, LLC recorded in Book 28611, Page 19, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101)
4. Easement Deed by Court Order in Settlement of Landowner Action to Sprint Communications Company L.P., Qwest Communications Company, LLC, and Level 3 Communications, LLC recorded in Book 28145, Page 571, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101)
5. Easement to Southern Public Utilities Company recorded in Book 748, Page 225, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101 and 079-03-106)
6. Water Line Easement to City of Charlotte recorded in Book 929, Page 532, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101)
7. Easement to Duke Power Company recorded in Book 3890, Page 874, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101 and 079-03-106)
8. Easement to Southern Bell Telephone and Telegraph Company recorded in Book 3978, Page 195, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101)
9. Easement to Eckerd of North Carolina, Inc. recorded in Book 3982, Page 318, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101)

10. Permanent Easement to City of Charlotte, a municipal corporation recorded in Book 18477, Page 720, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101)
11. Access Easement Agreement to Real Rock Holdings LLC, a North Carolina limited liability company recorded in Book 20858, Page 86, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101)
12. 20' setback line as shown on plat recorded in Map Book 46, Page 281, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-106)
13. Notice of Brownfields Property recorded in Book 26034, Page 614, Map Book 52, Page 810 and Map Book 53, Page 422, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101)
14. Terms and provisions of that certain unrecorded Lease executed by 1830 Statesville Avenue, LLC, a North Carolina limited liability company to Engineered Recycling, LLC, a North Carolina limited liability company as evidenced by a Memorandum of Lease of which is recorded in Book 19251, Page 895, as amended by First Amendment to Memorandum of Lease recorded in Book 25649, Page 76, as amended by Second Amendment to Memorandum of Lease recorded in Book 26957, Page 977, as affected by Notice of Tenant's Exercise of Option Under Lease recorded in Book 29961, Page 399, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101)
15. Right of Way Agreement to Duke Energy Carolinas, LLC recorded in Book 27512, Page 814, Mecklenburg County Registry. (Affects Tax Parcel No. 079-03-101)